

REMARKS

This Preliminary Amendment is being submitted concurrently with a Request for Continued Examination (RCE). The foregoing amendments modify Claims 1 and 20. Claims 1-40 are present in the application. Applicants have previously paid filing fees in an amount sufficient to cover all of the claims that are now pending, and thus no additional filing fee is due in association with the submission of this Amendment.

In the final rejection dated May 11, 2006, the Examiner rejected independent Claims 1 and 20 under 35 U.S.C. §103 as obvious over Yang U.S. Patent No. 6,451,647, taken in view of Ying U.S. Patent No. 6,436,838. Yang teaches plasma etching a high-k dielectric material with a mixture that includes:

1. Oxygen gas (O₂).
2. An inert gas.
3. A fluorine-containing material.

Ying teaches performing a plasma etch on a barium strontium titanate (BST) material, using a mixture that includes:

1. Boron trichloride (BCl₃).
2. A further gas (e.g. an inert gas or oxygen gas).

The Examiner indicated that, where two compositions are each used for the same purpose, it is obvious to combine them and then use the result for that same purpose. Combining the mixtures of Yang and Ying would result in a combined mixture that includes:

1. Boron trichloride (BCl₃).
2. Oxygen gas (O₂).
3. An inert gas.
4. A fluorine-containing material.

Independent Claims 1 and 20, as amended above, each recite a plasma chemistry that is "free of oxygen gas (O₂)". Claims 1 and 20 are thus not met by the mixture that is obtained by simply combining the mixtures of Yang and Ying, because the combined mixture will necessarily include oxygen gas.

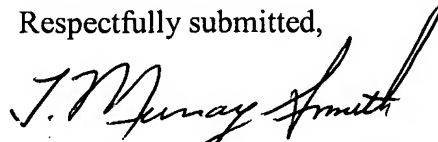
In view of the foregoing amendments, Applicants respectfully request further and favorable consideration of the present application. If the Examiner believes that examination of

Appl. No. 10/688,045
Preliminary Amendment Accompanying RCE

Attorney Docket No. 2003-0065 / 24061.508
Customer No. 42717

this application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647.

Respectfully submitted,



T. Murray Smith
Registration No. 30,222
(972) 739-8647

Date: March 26, 2007

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: (972) 739-8647
Facsimile: (214) 200-0853
File: 24061.508

Enclosures: Acknowledgement Post Card

R-162190.1